

**VIA ECFS**

***EX PARTE***

September 3, 2009

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW, Suite TW-A325  
Washington, DC 20554

**Re: A National Broadband Plan for Our Future, GN 09-51**

Dear Ms. Dortch:

Yesterday, Larissa Herda, President and CEO of tw telecom, inc. ("TWTC"), Kelsi Reeves, Vice President, Federal Government Relations of TWTC as well as Kevin Joseph and the undersigned met with Chairman Julius Genachowski and Priya Aiyar, legal advisor to Chairman Genachowski. During the meeting, Ms. Herda explained that tw telecom could accelerate its deployment of broadband service to business customers if the FCC were to (1) establish effective regulation of incumbent LEC special access services by, among other things, applying dominant carrier regulation to incumbent LEC Ethernet special access services and prohibiting enforcement of the exclusionary terms in incumbent LEC special access volume and term discounts; (2) establish effective regulation of pole attachments by, among other things, requiring that utilities charge all attachers the same rate at levels that resemble the existing cable rates and adopting national rules governing the application and make-ready process; and (3) clarify that incumbent LECs have the duty to exchange IP voice traffic subject to same legal requirements, including Section 251(c)(2), as apply to circuit switched voice traffic.

Respectfully submitted,

/s/ Thomas Jones

Thomas Jones

cc: Chairman Julius Genachowski  
Priya Aiyar